

IPW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/609,226

Filing Date

06/30/2003

First Named Inventor

Robert B. Lawson

Art Unit

3637

Examiner Name

A. Phi Dien Tran

Attorney Docket Number

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☐

Other Enclosure(s) (please identify
below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Lawson Aquatics, Inc.

Signature

Lawson

Printed name

Robert B. Lawson

Date

10/5/04

Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Lawson

Typed or printed name

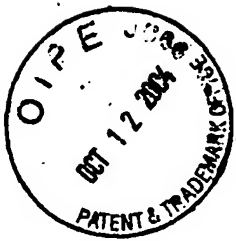
ROBERT B. LAWSON

Date

10/6/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Response to a second non-Final Office Action

Application No. 10/609,226

This Communication is a response to a second non-Final Office action having a mailing date 08/25/2004 and setting forth a shortened statutory period for response of three months which would expire on 11/25/2004.

In response to the PTO communication the applicant will follow the sequence of the paragraphs used by the examiner.

Par. 1. The applicant recognizes the Final of the requirement for restriction.

Par. 2. A recitation of the second Par. of 35 U.S.C. 112.

Par .3 Claims 9, 11 - 14 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.

The examiner insists that the recitation "an edge including straight edges and curvatures" is indefinite. The examiner continues "that it is unclear how an edge can have straight edges and curvatures" The examiner's attention is directed to the "Random House College Dictionary" where an edge has been defined. An edge can be both straight or curved. Applicant in claim 9 only claims said pool having an edge including curvatures . This recitation cannot be rejected as the pool edge as only being straight but also including curvatures. The examiner is respectfully requested to withdraw this type of a rejection as having no basis in the English language.